

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN CARLTON WHITMAN,

Defendant.

CR-18-77-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 18, 2023. (Doc. 68.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 17, 2023. (Doc. 66.) The United States accused Justin Whitman (Whitman) of violating his conditions of supervised release 1) by using methamphetamine on three separate occasions; 2) by failing to participate in substance abuse testing; 3) by committing another crime on two separate occasions; 4) by knowingly associating with a person

convicted of a felony on two separate occasions; 5) by failing to provide truthful answers to questions asked by his probation officer; and by failing to follow the instructions of his probation officer. (Doc. 50.) Document 56 alleged that Whitman had violated the conditions of his supervised release : 1) by failing to report for substance abuse treatment; 2) by failing to notify his probation officer of a change in his living arrangements; and 3) by using methamphetamine.

At the revocation hearing, Whitman admitted to having violated the conditions of his supervised release 1) by using methamphetamine; 2) by failing to participate in substance abuse testing; 3) by committing the crime alleged in violation 3; 4) by knowingly associating with a person convicted of a felon as alleged in violation 4; 5) by failing to provide truthful answers to questions asked by his probation officer; and 6) by failing to follow the instructions of his probation officer. (Doc. 58.) The Court dismissed alleged violation 7. The government failed to satisfy its burden of proof with respect to alleged violation 8. (Doc. 58.) Judge Johnston found that the violations Whitman admitted prove serious and warrants revocation of his supervised release and recommends a sentence of 8 months, with 28 months of supervised release to follow, with the first 60 days of his supervised release at Connections Corrections in Warm Springs, Montana. The next 180 days Whitman should serve in a residential re-entry center at the direction of his probation officer. (Doc. 68.) Whitman was advised appeal rights and his right to

allocute before the undersigned. (Doc. 66.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 68) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Justin Carlton Whitman be sentenced to the Bureau of Prison for 8 months, with 28 months of supervised release to follow, with the first 60 days of his supervised release at Connections Corrections in Warm Springs, Montana. The next 180 days Whitman should serve in a residential re-entry center at the direction of his probation officer.

DATED this 11th day of September, 2023.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court